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Seth Mones Acting Director

GOVERNOR APPOINTS ACTING DIRECTOR FOR WEIGHTS & MEASURES

Governor Napolitano has appointed Seth Mones, formerly the deputy director of The Arizona Department of Commerce, to serve as the acting director of the Arizona Department of Weights and Measures.

Mr. Mones replaces George Seitts, who resigned after leading the Department since 2006. Mr. Seitts took over Weights and Measures from Art Macias, who was appointed Executive Director of the Arizona Lottery in November, 2005.

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Weights and Measures Investigator Al Poe, right, demonstrates fuel-testing procedures for Hopi Environmental officials.

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Executive Director of the Arizona Lottery in November, 2005.

"Under George's leadership, Weights and Measures worked aggressively to protect Arizona consumers," Governor Napolitano said about Mr. Seitts. "He's done an excellent job, and I wish him continued success."

"Seth's leadership at Commerce on energy, community and economic development matters puts him in good stead to work on behalf of consumers in his new assignment," Napolitano said.

A graduate of Harvard Law School, Mr. Mones has served as a trade association vice president, a lawyer, and a U.S. Senate committee counsel. He has more than 20 years of diverse private and public sector experience, including management, public affairs, legal and legislative work with various industry sectors, public interest groups and other stakeholders.

Mr. Mones moved over in early April to Weight and Measures. As directed by state law, a search committee will solicit and submit candidates to the Governor for the permanent position, which is then subject to Senate confirmation.

"I'm honored to assume the leadership of this excellent agency, which is known for his hard work on behalf of consumers and its great staff," said Mr. Mones. "My goal is to build on the consumer protection accomplishments of my predecessors, George Seitts and Art Macias."



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If you know the answers, you're as smart as the 4th graders who took part in the 2007 commemoration of National Weights and Measures Week, celebrated during March 5-9.

More than 500 students from schools in Mesa, Goodyear and Flagstaff traveled to their neighborhood supermarket to learn how to get the right price, pay the right amount and how to complain if they're overcharged.

Or, as Andre Garcia of Tolleson wrote, "I learned how prices on the tags are sometimes different from prices on the cash register, and how we can save money."

The presentations were made in partnership with Fry's, Bashas' and Safeway supermarkets, which joined with Weights and Measures to give each student a gift bag that included healthy snacks, information on accurate measurements, and \$5 gift cards. Following the field trip, each class took a quiz and answered some essay questions on what they learned.

"This is the best thing we do all year," said Dennis Ehrhart, Assistant Director of Weights and Measures. Mr. Ehrhart read a proclamation from Governor Napolitano that proclaimed Arizona Weights and Measures Week, in recognition of the March 9, 1799 decision by the Continental Congress to adopt standards for weighing and measuring devices. In her proclamation, Gov. Napolitano cited the need "to insure equity in all commercial transactions for the protection of the State of Arizona, whether they are the buyer or the seller."

The students visited the meat section, "where they learned that packaging on meats and other items is tare," which should not be included in the net weight. A 16-ounce jar of peaches, for example, should weigh more than a pound due to the "tare" weight of the jar, lid and other packaging.

They also visited the produce aisle, where they learned that it is cheaper to buy a five-pound bag of onions instead of onions that are individually priced – provided you use them up before they go bad.

And they went to the cereal aisle, where they learned to check unit prices to find out if a large box of their favorite cereal is cheaper per ounce than a smaller box.

And they marked down the price of that cereal box and took it to the checkout line, where they learned what to do if the store scanner rings up the wrong amount.

Or, as Shayla Hansen of Mesa wrote in her essay, "today I learned that if something is not right [sic] and is below \$5.00 you get it for free."

Well, not exactly, Shayla. Every store must have a written policy on pricing errors, and it must be available for review. The Fry's Supermarket she visited does have a policy stating



Desert Thunder Elementary School students listen to Assistant Director Dennis Ehrhart read Governor Napolitano's Weights and Measures proclamation.

that if the wrong price is charged, the consumer gets that item for free – provided it costs less than \$5.

Or, as Erik Bovel wrote, “I learned that the store doesn’t charge me if the prices are messed up.”

In addition to touring various supermarket aisles, the kids were allowed to visit the back areas of the store, where fruits and vegetables are kept in coolers. While most kids thought the cooler was “awesome,” at least one critic failed to appreciate the smell of produce in cold storage. “It smelled kind of funky,” said Leticia, who apparently is famous enough to use only one name.

But the biggest hit was the long conveyer belt at a Food City market that turned out flour tortillas that everyone got to sample. “We learned how they make tortillas!!!” wrote Samantha Gutierrez, who is fond of exclamation points. “We even got to eat one! It was awesome!”

In general, the student consensus is that visiting a supermarket is fun, and learning how to get the right weight and price is important. “I learned that there is a reason my mom takes forever to choose a type of yogurt to buy,” wrote Aspen Poturalski of Flagstaff. “I also learned that the outside wrapping is called ‘tare.’ I liked going in the back room where they store the stuff I’ve never seen before. Can we go again?”

Well, Aspen, we’ll see your teacher and her next 4th grade class in 2008.



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The agreement began in August, when tribal officials asked the Department to help the Hopi Environmental Protection Office establish an inspection program for gasoline retailers operating within tribal boundaries.

Weights and Measures staff traveled to the tribal capital of Kykotsmovi to provide several days of training on national measurement standards, state rules regarding accurate fuel measurements, and how to use fuel testing equipment. The Department also provided tribal inspectors with forms that could be used to assure compliance with fueling device rules and regulations.



Weights and Measures Investigator Al Poe, right, demonstrates fuel-testing procedures for Hopi Environmental officials.

In March, the program was expanded when tribal officials – along with operators of tribal retail stores – came to Phoenix for training in the proper ways to post store prices and assure that consumers are charged the correct price.

"The training was very helpful," said Marla Dacawyma, Chief Revenue Officer for the Hopi Office of Revenue Commission. "We're anxious to implement all that we have learned."

Tribal officials said they requested the assistance to ensure that tribal members are getting the same level of protection that is offered in surrounding non-Indian communities. "This effort is not intended to allege any wrongdoing but to ease the minds of our Hopi People," a tribal official said in a letter to the Department.

In addition, the Department provided testing equipment, including two five-gallon hand standards that are used to conduct fueling tests. Following the training, Weights and Measures staff assisted Hopi Environmental Protection Office staff in an initial inspection of several fueling stations. The Department also assisted with several fuel-quality tests that were conducted on gasoline samples that were collected from several service stations operating within tribal boundaries.

In coming months the Department will offer training in testing the accuracy of retail scales, and in proper methods for checking the content of packaged items offered for sale. Discussions are being held on a formal Memo of Understanding that would establish a formal partnership between the Hopi Tribe and Weights and Measures.

"This Department is happy for this opportunity to work with the Hopi Tribe," said Director Seth Mones. "We commend the Tribe for its commitment to fairness in its marketplace, and we are happy to support their efforts to instill confidence in the accuracy of the fueling devices that serve their people and their economy."



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These measures will take effect 90 days after the current session adjourns, and they will the following impact on state law:

House Bill 2390, which the Governor signed on April 10, clarifies state law regarding the disposal of weights, measurement devices or other unclaimed property that was seized by the Department because it does not conform to National Type Evaluation Program (NTEP) standards for commercial devices.

The new law stipulates that the items can either be destroyed after 180 days, or they can be transferred to the Arizona Department of Administration for disposal as state surplus property.

Senate Bill 1323 allows the Department to inspect, investigate and analyze antifreeze products sold in the state to ensure that they contain the proper amount of "bittering" agents designed to discourage their consumption.

Antifreeze, or Ethylene glycol, is a useful product, but it is also a toxic substance that could damage kidneys, the heart or the nervous system if ingested. Just five tablespoons could kill a medium-sized dog.

For this reason, most makers of antifreeze add a small amount of denatonium benzoate. This produces an unpleasant taste designed to discourage animals and small children from ingesting the product by accident.

The Department now would be authorized to inspect, investigate and analyze antifreeze samples and "take appropriate action" if the substance is missing, or is present in improper amounts.

Senate Bill 1433 authorizes Arizona's Historical Advisory Commission to develop and sell a medallion commemorating the 100th Anniversary of Arizona's statehood, which will occur on February 14, 2012.

Under this measure, the medallions will be 99.9 percent pure copper, silver or gold. Weights and Measures will be required to certify the purity and weight of these commemorative medallions.

Senate Bill 1455 requires proper labeling of diesel fuel pumps to show whether they are dispensing a relatively new ultra-low-sulfur diesel fuel, which cannot contain sulfur in excess of 15 parts per million, or low-sulfur diesel, which contains not more than 500 parts per



million of sulfur. The bill also spells out some Product Transfer Document (PTD) requirements for motor fuels marketers and distributors.

The Governor signed this measure on April 27.

This legislation is necessary because of new fueling rules from the U.S. Environmental Protection Agency (EPA). The agency is requiring petroleum companies to produce Ultra Low Sulfur Diesel to reduce particulate emissions from buses, trucks and other diesel-engine vehicles. The labeling requirements are important because the EPA also mandated that any diesel engine sold after the 2007 model year must be designed to run only on ultra low sulfur diesel fuel. Putting low sulfur diesel in an engine that requires ultra low sulfur will damage the engine.



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Vehicles carrying this sticker are legally authorized to transport passengers, and meet the following requirements:

- Drivers have a valid Arizona license, and the vehicle is properly registered.
- All vehicles are covered by an insurance policy of \$300,000 or more, depending on passenger capacity. The insurance provides coverage in the event of injury, property damage, an accident involving an uninsured motorist, or an accident involving an under-insured motorist.
- The taxis carry a sealed taximeter, and their rates are posted in one-inch letters.
- Livery vehicles, which are allowed to transport passengers for a flat rate, post their rates with one-inch letters at least until the passenger has agreed on the fare.
- Limousines cannot solicit fares. They must be hired in advance.
- Taxis have a valid taxi license plate. Many, if not most, have licenses that include the letter "Z" in the plate number, though some may have blue-and-white environmental plates, commercial plates, so-called "vanity" plates or handicapped plates.
- Limousines and Livery vehicles may display commercial or private plates.

Any vehicle that fails to carry a valid or out-of-date sticker is operating illegally. Operators of these vehicles may not have a valid license, and consumers who hire such a vehicle may not be covered in the event of an accident.

More than 2,000 taxi, limousine or livery licenses were issued by the Department during FY2007.

Tips For Consumers

When you need a cab, there are certain things you can look for to make sure a taxi or livery vehicle is registered with Weights and Measures and has submitted proof of insurance.

- Look for the Weights and Measures Sticker, which should be located in the right-hand rear window of the vehicle.
- Look for the posted rates, which must be inside and outside of the vehicle in letters that are at least one inch high.
- Check the license plate. Most taxi vehicles have a license plate containing the letter "Z," though certain other plates may also be legally allowed.
- If you're a hiring a taxi, check the meter. Look for a wire seal that is designed to prevent tampering. If you're hiring a livery vehicle, look for the posted rates, which must be based on either a geographic zone or on a flat rate.

If any of these are missing or appear to be questionable, the vehicle may be operating illegally. If you see an illegal taxi, limousine or livery vehicle, contact the Department at 602-255-5211 or 1-800-277-6675 or [file a complaint online](#) in English or Spanish. Please supply the vehicle's plate number if you have it.

All these vehicles must obtain their new stickers during the month of June. Each vehicle is inspected to make sure the meters are sealed, rates are properly posted and carry valid registration. Owners must also submit proof of insurance and pay a \$24 annual fee. Operators who failed to obtain their sticker during the month of June must pay a late fee of \$4.80 per month. If they do not obtain a new sticker by August their taxi license is automatically canceled.